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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 William Stewart,) CV 12-05621 RSWL (AGRx)
12)
13 Plaintiff,)
14 v.) ORDER Re: MOTION TO
15 The Boeing Company,) WITHDRAW AS COUNSEL OF
16) RECORD FOR PLAINTIFF
17 Defendant.) WILLIAM STEWART [13]
18)

19 Currently before the Court is Felahy Law Group's
20 ("Counsel" or "FLG") Motion to Withdraw as Counsel of
21 Record for Plaintiff William Stewart ("Mr. Stewart").
22 Having reviewed all papers and arguments pertaining to
23 this Motion, the Court **NOW FINDS AND RULES AS FOLLOWS:**

24 The Court **DENIES** Counsel's Motion to Withdraw as
25 Counsel of Record.

26 **I. Background**

27 This Action stems from an employment dispute
28 between Mr. Stewart and Defendant The Boeing Company

1 ("Boeing"). In May 2012, Mr. Stewart filed a lawsuit
2 against Boeing alleging various causes of action under
3 California's Fair Employment and Housing Act [1]. On
4 March 19, 2013, Mr. Stewart's Counsel filed the present
5 Motion to Withdraw as Counsel of Record [13]. Counsel
6 seeks leave of Court to withdraw from representation of
7 Mr. Stewart, claiming that a breakdown in communication
8 with Mr. Stewart has occurred such that effective
9 representation is no longer possible.

10 **II. LEGAL STANDARD**

11 Under the Local Rules for the Central District of
12 California, "[a]n attorney may not withdraw as counsel
13 except by leave of court." L.R. 83-2.9.2.1. Where
14 withdrawal of counsel will cause delay in prosecuting
15 the case to completion, the moving party must show
16 "good cause" for the withdrawal and that the "ends of
17 justice require" withdrawal. L.R. 83-2.9.2.4. See
18 also Thompson v. Special Enforcement, Inc., No. EDCV
19 04-1666-VAP JCRX, 2008 WL 4811404, at *1 (C.D. Cal.
20 Oct. 27, 2008). A motion to withdraw as counsel may
21 only be made upon "written notice given reasonably in
22 advance to the client and to all other parties who have
23 appeared in the action." L.R. 83-2.9.2.1.

24 Absent undue prejudice to the client's interests or
25 to the proceedings in the case, "[t]he decision to
26 grant or deny counsel's motion to withdraw is committed
27 to the sound discretion of the trial court." Id. at
28 *2. In ruling on a motion to withdraw as counsel,

1 courts generally consider: "(1) the reasons why
2 withdrawal is sought; (2) the prejudice withdrawal may
3 cause to other litigants; (3) the harm withdrawal might
4 cause to the administration of justice; and (4) the
5 degree to which withdrawal will delay the resolution of
6 the case." Beard v. Shuttermart of Cal., Inc., No.
7 07CV594WQHLS, 2008 WL 410694, at *2 (S.D. Cal. Feb. 13,
8 2008). See also Nedbank Int'l Ltx. v. Xero Mobile,
9 Inc., No. CV07-6594 PSG (AGRx), 2008 WL 4814706, at *1
10 (C.D. Cal. Oct. 30, 2008). The California Rules of
11 Professional Conduct permit withdrawal of counsel when
12 a client's conduct "renders it unreasonably difficult
13 for the [attorney] to carry out the employment
14 effectively." CA ST RPC Rule 3-700(C)(1)(d). See also
15 Hershey v. Berkeley, No. EDCV 07-689VAP(JCRX), 2008 WL
16 4723610, at *2 (C.D. Cal. Oct. 24, 2008).

17 **III. ANALYSIS**

18 Mr. Stewart's Counsel argues that its Motion should
19 be granted because "there has been an irreparable
20 breakdown in communication between Plaintiff and FLG,
21 such that effective representation is no longer
22 possible." Mot. 3:26-27, 4:1. However, Counsel does
23 not specify in its moving papers what "communication
24 breakdown" has occurred or how it has made
25 representation of Mr. Stewart unreasonably difficult,
26 let alone impossible. Counsel also fails to offer
27 evidence of any measures it took to rectify this
28 breakdown of communication with its client. Although

1 Counsel is allegedly concerned that revealing
2 additional information about the purported
3 communication breakdown will "compromis[e] the
4 attorney-client relationship" (see Mot.3:24-26; Felahy
5 Decl. ¶ 3), Counsel is still required to provide
6 "sufficient factual bases" to establish grounds for
7 withdrawal of counsel. See Thompson, 2008 WL 4811404,
8 at *1. See also BSD, Inc., v. Equilon Enters., LLC,
9 No. C 10-5223 SBA, 2013 WL 942578, at *3 (N.D. Cal.
10 Mar. 11, 2013) ("While the Court recognizes that
11 [counsel] is concerned . . . about disclosing attorney-
12 client privileged information, it nonetheless must
13 provide the Court with an adequate factual basis for
14 its request to withdraw as counsel").
15 Counsel's argument at the Motion hearing fared no
16 better, for Counsel merely reiterated that a breakdown
17 in communication with Mr. Stewart had occurred.
18 Counsel offered no additional evidence or further
19 explanation.

20 In sum, the Court finds that Counsel has failed to
21 provide "good cause" for granting this Motion. See
22 L.R. 83-2.9.2.4. Even Plaintiff, who appeared in court
23 in order to oppose the Motion, does not want Counsel to
24 withdraw and would prefer for FLG to continue
25 representing him in this Action. Given the notable
26 lack of evidentiary support for Counsel's request, the
27 Court **DENIES** Plaintiff's Motion. Cf. Hershey, 2008 WL
28 4723610, at *1-2 (granting the motion to withdraw

1 because the withdrawing attorneys "paint[ed] a clear
2 picture" of the communication breakdown, including the
3 fact that their client had "ceased all communications"
4 with them and refused to respond to telephone calls,
5 emails, and letters).

6 **IV. CONCLUSION**

7 Based on the foregoing, the Court **DENIES** Counsel's
8 Motion to Withdraw as Counsel of Record for Mr.
9 Stewart.

10
11 **IT IS SO ORDERED.**

12 DATED: May 2, 2013

13
14 RONALD S.W. LEW

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HONORABLE RONALD S.W. LEW

16 Senior, U.S. District Court Judge
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